

No. PD-0617-20

**IN THE COURT OF CRIMINAL APPEALS OF TEXAS
AT AUSTIN**

FILED
COURT OF CRIMINAL APPEALS
2/4/2021
DEANA WILLIAMSON, CLERK

THE STATE OF TEXAS, Appellant
v.
EDMUND KAHOOKELE, Appellee

03-18-00399-CR
In the Third Court of Appeals
Austin, Texas

Appealed from the 207th Judicial District Court
Cause No. CR2017-356
Comal County, Texas

STATE'S MOTION TO EXTEND TIME TO FILE BRIEF

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STATE'S MOTION TO EXTEND TIME TO FILE BRIEF

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes the State of Texas, Appellant in the above-styled and -numbered cause, and moves for an extension of time of 32 days from the current deadline on February 4, 2021 to file its Brief, and for good cause would show the following:

I. Procedural History

After the State appealed the Trial Court's order quashing the indictment, the Third Court reversed the Trial Court's order. *State v. Kahookele*, 604 S.W.3d 200, 203 (Tex. App.—Austin 2020, pet. granted). This Court granted Appellee's petition for discretionary review on October 28, 2020, making his brief due 30 days later. After extensions, Appellee's Brief was filed on or about January 5, 2021. The State's Brief is currently due on February 4, 2021.

II. The State Respectfully Requests an Extension of Time to File Its Brief.

The Attorney for the State who wrote its Brief on Appeal in the Third Court will likewise write the State's Brief on Discretionary Review. Since January 4, 2021, she has been busy with intake, grand jury, processing and finalizing pretrial diversion applicants, assisting with protective orders, witness preparation for a

protective order hearing, preparations for a contested hearing on motions to adjudicate, processing intern applications, and supervising current interns.

Although she is familiar with the case and hopes to complete her brief within the next 30 days, because of the foregoing, she has not yet been able to substantially complete the State's Brief. Accordingly, the State respectfully requests a 32-day extension to file the State's Brief. This is the State's first motion to extend the time to file its Brief; no previous extensions have been granted.

III. Prayer

WHEREFORE, PREMISES CONSIDERED, the State respectfully prays for an extension of 32 days—until Monday, March 8, 2021—to file the State's Brief. This extension is not requested for purposes of delay but so that justice may be done.

Respectfully submitted,

/s/ Joshua D. Presley

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Certificate of Service

I, Joshua D. Presley, Assistant District Attorney for the State of Texas, Appellant, hereby certify that a true and correct copy of this *State's Motion* has been sent to Appellee EDMUND KAHOOKELE's attorney in this matter:

Susan Schoon
susan@schoonlawfirm.com
Schoon Law Firm, P.C.
208 S. Castell, Ste. 201
New Braunfels, TX 78130
Counsel for Appellee on Appeal

In addition to the State Prosecuting Attorney's Office at information@spa.texas.gov by electronic service to the foregoing email addresses, on this, the 3rd day of February, 2021.

/s/ Joshua D. Presley
Joshua D. Presley

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